

**Application No.:** 10/509,600  
**Filing Date:** 1/23/2005

## **REMARKS**

In response to the Office Action mailed November 19, 2007, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

### **Discussion of Claim Amendments**

Claims 1, 7, 9-13, 17, 24, 31-41 and 45 have been amended. Claim 30 has been cancelled without prejudice. Claims 46-50 have been added. Upon the entry of the amendments, Claims 1-29 and 31-50 are pending in the application.

The amendments to Claims 1, 24 and 45 are supported, for example, by Claims 7 and 30 as originally filed, as well as paragraph [0048]. The amendments to the remaining claims are merely for clarification and do not narrow the scope of protection. The new claims are supported by at least paragraphs [0039], [0054], and [0055] of the originally filed specification. Thus, the claim amendments do not introduce any new matter. Entry of the amendments is respectfully requested.

### **Discussion of Claim Objections**

Claims 1-45 have been objected to have containing various misspelled words. In reply, Applicant has amended the rejected or associated claims to resolve the issues addressed by the Examiner as reflected in the "AMENDMENTS TO THE CLAIMS" section. Withdrawal of the objections is specifically requested.

### **Discussion of Rejection of Claims under 35 U.S.C. § 102(b)**

Claims 1, 3-24, and 26-45 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bowman (U.S. Pat. No. 5,627,886). Applicant respectfully submits that all pending claims are allowable over Bowman as discussed below.

#### Rationale of 35 U.S.C. § 102

"For a prior art reference to anticipate a claim under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v.*

*Century Steps, Inc.*, 850 F.ed 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988).

#### Discussion of Patentability of Pending Claims

Claim 1 recites, among other things, “dividing the length of time into a number of non-overlapping time-slots” and “storing the profiling features data in one or more of the time-slots.” Each of independent Claims 24 and 45 has substantially similar features thereto. Bowman does not teach or suggest the above-indicated features of the claimed invention.

Bowman discloses a fraud detection engine (FDE) that analyzes normalized call events and takes action when it detects suspicious patterns of usage. Bowman at best teaches that “the data of each event is used to derive a series of measurements” which are “accumulated over a number of time intervals into buckets” that are reset when the time interval has expired. *See Bowman at column 8, lines 50-63 and the pseudocode at column 9, lines 11-38.* However, Applicant respectfully submits that there is no teaching of “dividing the length of time into a number of non-overlapping time-slots” and “storing the profiling features data in one or more of the time-slots.” Applicant respectfully submits that the feature of Bowman “accumulated over a number of time intervals into buckets” does not correspond to the claimed dividing and storing.

Since Bowman does not teach every element of each independent claim, Applicant respectfully submits that Claims 1, 24 and 45 are not anticipated by Bowman, and thus all independent claims are allowable over the Bowman reference.

Claims 3-23 and 26-44 depend from base Claim 1 or 24 , and further define additional technical features of the present invention. In view of the patentability of their base claims, and in further view of their additional technical features, Applicant respectfully submits that the dependent claims are patentable over the prior art. Furthermore, Applicant does not necessarily agree with the characterizations of the prior art made by the Examiner in rejecting the dependent claims.

#### **Discussion of Rejection of Claims under 35 U.S.C. §103(a)**

Claims 2 and 25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bowman in view of Gavan et al. (U.S. Pat. No. 6,601,048). Applicant respectfully submits that pending Claims 2 and 25 are allowable over the prior art of record as discussed below.

Standard of Prima facie Obviousness“In order to provide a *prima facie* showing of obviousness under 35 U.S.C. § 103, all the claim limitations must be taught or suggested by the prior art.” See, e.g., *In re Royka*, 490 F.2d 981, 180 USPQ. 580 (CCPA 1974).

#### Discussion of Patentability of Pending Claims

The rejected claims (2 and 25) depend from independent Claim 1 and 24, respectively. When each of independent Claims 1 and 24 is patentable over the combination of the cited references, all the dependent claims are patentable. Thus, now Applicant discusses the patentability of independent Claims 1 and 24.

As discussed above in connection with the § 102 rejections, Bowman does not teach the claimed features of “dividing the length of time into a number of non-overlapping time-slots” and “storing the profiling features data in one or more of the time-slots.”

Gavan was cited merely to allegedly show certain features of dependent Claims 2 and 25, and this reference does not remedy the deficiency of Bowman. Therefore, the combination of the prior art references does not teach or suggest all of the features of each of independent Claims 1 and 24. Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to independent Claims 1 and 24, and thus Claims 1 and 24 are allowable over the prior art of record.

Claims 2 and 25 depend from base Claim 1 and 24, respectively, and further define additional technical features of the present invention. Applicant would like to further discuss patentability of dependent Claims 2 and 25.

Claim 2 recites “the pre-processing stage includes receiving feedback data, which is used in the first calculations to create the data relating to profiling features, wherein the post-processing stage creates the feedback data from the third calculations.” Claim 25 has a substantially similar feature thereto. Neither Bowman nor Gavan teaches such a feature.

As acknowledged by the Examiner, Bowman does not teach or suggest that the pre-processing includes receiving feedback data, which is used in the first calculations to create the data relating to the profiling features, wherein the post-processing creates the feedback data from the third calculations. Gavan does not remedy this deficiency. Gavan teaches a “pattern recognition engine [which] permits [the] detection layer to detect new methods of fraud and to

update the fraud detection engines.” Specifically, the pattern recognition of Gavan “operates on all network event records.” *See Gavan at column 11, lines 10-19.*

It is evident that the engine itself is modified in the system of Gavan, not that “pre-processing includes receiving feedback data which is used in the first calculations” as recited in Claims 2 and 25. In one embodiment of the claimed invention, the feedback data does not comprise instructions to modify the engine, but rather data that is used in the first calculations. Additionally, in one embodiment, the feedback data is created by the post-processing from the third calculations performed upon the summarized profiling features data of the relevant profile, not upon “all network event records.” Thus, Applicant respectfully submits that the pattern recognition process of Gavan is a different, possibly parallel, processing of the data by a system, rather than post-processing summarized profiling features data to provide feedback to the pre-processor.

In view of the above, Applicant respectfully submits that neither Bowman nor Gavan teaches or suggests the additional features of each of dependent Claims 2 and 25. In view of the patentability of their base claims, and in further view of their additional technical features, Applicant respectfully submits that dependent Claims 2 and 25 are patentable over the cited prior art. Furthermore, Applicant does not necessarily agree with the characterizations of the prior art made by the Examiner in rejecting the dependent claims.

#### **Discussion of Patentability of New Claims**

Each of new Claims 46-50 includes all of the features of Claim 1 or 24, and further includes additional technical features of the present invention. The new claims are supported by at least paragraphs [0039], [0054], and [0055] of the originally filed specification. In view of the patentability of their base claims, and in further view of their additional technical features, Applicant respectfully submits that new Claims 46-50 are patentable over the cited prior art.

#### **No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations

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or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

In view of Applicant's foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 5/19/08

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AMEND

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